

**“PAC – 3” DENIALS  
STAFF & TAC RECOMMENDATIONS  
2006 UDC ANNUAL AMENDMENTS**

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**20 (DENIED) ++++++**  
**(Ken Brown)**

**35-344**

**(c) Permitted Uses and Density**

**(1) Uses.**

\* \* \* \*

Planned unit developments which contain more than one zoning district shall ~~have each zoning district be~~ annotated as (PUD “~~RE~~”, “~~R-6~~”, “~~O-1~~”, “~~C-2~~” ~~PUD “R-20”~~, etc.) ~~for the entire PUD plan area and each individual district may be developed to the density indicated in the maximum density table in subsection (2) below.~~ The acreage for each proposed use will be required, but the boundary lines for these districts will not be required. Each zoning district shall be included on the PUD plan, however, a rezoning shall not be required for the approval of a non-substantial change to the PUD plan as defined in Section 35-413 (c).

\* \* \* \*

**(j) PUD Plan**

After the PUD zoning is granted, a PUD Plan shall be submitted to and approved by the planning commission prior to approval of any plats or the issuance of any building permits or certificates of occupancy. The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning. The zoning ordinance shall provide that adherence to the PUD plan, or the amended PUD plan is required, however, a rezoning shall not be required for the approval of a non-substantial amendment to the PUD plan as defined in Section 35-413 (c). The PUD plan shall include the proposed land uses by location, type (residential, office, or commercial), density, and size. The PUD plan shall also delineate the measures that will be taken by the developer and/or owner to disclose to buyers of properties within PUDs of the increased financial responsibilities for the cost and responsibility for the maintenance of private streets and other commonly owned facilities.

**25 (DENIED) ++++++**  
**(Richard Alles)**

**35-412 Master Development Plan**

**(g) Amendments**

\* \* \* \*

**(2) Applicability**

Minor amendments include the following:

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- Changes to the timing or phasing of the Proposed Development provided the use and overall geographic land area remains the same.
- ~~• Adjustment of unit boundaries within tracts or parcels adjoining the outer boundaries of the Master Development Plan provided the use and overall geographic land area remains the same.~~
- ~~• A reduction in the number of proposed platted lots provided the use and overall geographic land area remains the same.~~
- ~~• A decrease in overall residential density.~~
- Updating of ownership or consultant information.
- ~~• A decrease in the overall land area, provided the initial design is maintained.~~
- Master Development Plan or subdivision plat name change.
- Change in internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio.
- An increase in parkland having the characteristics set forth in 35-503(c) and 35-503(b)(2-5). However, such parkland must be located on-site and cannot be used as credit for a dedication required by another subdivision or project.

All other revisions shall be classified as major amendments and shall be processed in the same manner as the initial Master Development Plan submittal.

**(h) Scope Of Approval**

- ~~(1) An approved Master Development Plan shall remain valid in accordance with the following time frame:~~
- ~~A. The Master Development Plan shall expire unless a final plat is approved within eighteen (18) months from the approval of the Master Development Plan that plats, at least twenty (20) acres or eight (8) percent of the net area of the Master Development Plan area or that requires at least five hundred thousand dollars (\$500,000.00) in infrastructure expenses if the Master Development Plan is one thousand (1,000) acres or less or at least one million dollars (\$1,000,000.00) if the Master Development Plan is more than one thousand (1,000) acres.~~
- ~~B. Further, an approved Master Development Plan shall expire unless fifty (50) percent of the net area within the approved Master Development Plan is the subject of final plats or development within ten (10) years from the date of approval of the Master Development Plan. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the Master Development Plan has been platted or developed. Unless specific provisions to the contrary exist in an individual ordinance or City Code provision, the filing of an amending minor Master Development Plan (see § 35-412(g)(2), plat, or replat will not result in a loss of permit rights an abandonment of the original Master Development Plan provided that the required area of acreage within the Master Development Plan platted or value of infrastructure expenses do not fall below the amounts indicated above as a result of the amendment or replat.~~

**(1) Master Development Plan**

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An approved Master Development Plan shall remain valid in accordance with the following criteria. If these criteria are not met, it will expire. In all cases, a Master Development Plan expires twenty (20) years from the date of approval.

The Master Development Plan (MDP) shall not expire if:

- A. less than twenty-four (24) months have elapsed from the date of approval of the MDP and final plat(s) and detailed site plan(s) covering at least twenty (20) percent of the gross area of the Master Development Plan have been approved, or
- B. less than three (3) years have elapsed from the approval date of the MDP, and
  - i. final plat(s) and detailed site plan(s), covering at least thirty (30) percent of the gross area of the Master Development Plan have been approved, and
  - ii. for every tract/unit platted pursuant to i. above:
    - a. there exists a valid building permit, or
    - b. less than one year has elapsed since a valid building permit existed, or
    - c. the project for the tract/unit is complete.
- C. less than seven (7) years have elapsed from the approval date of the MDP, and
  - i. final plat(s) and detailed site plan(s), covering at least fifty (50) percent of the gross area of the Master Development Plan have been approved, and
  - ii. for every tract/unit platted pursuant to i. and ii. above:
    - a. there exists a valid building permit, or
    - b. less than one year has elapsed since a valid building permit existed, or
    - c. the project for the tract/unit is complete.
- D. less than fifteen (15) years have elapsed from the approval date of the MDP, and
  - i. final plat(s) and detailed site plan(s) covering the entire MDP have been approved

For every tract/unit platted pursuant to i., ii., and iii. above:

  - a. there exists a valid building permit, or
  - b. less than one year has elapsed since a valid building permit existed, or
  - c. the project for the tract/unit is complete.

(2) Site plan requirements

A site plan submitted pursuant to section 35-412(h)(1) shall contain the following information:

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**A. BASE INFORMATION**

The following information shall be included on each 24"x 36" sheet:

- Project title
- North arrow
- Engineering scale shall be 1"=10', 1"=20', 1"=30', or 1"=40'; if the project is too large, 1"=50', with detail at 1"=20'
- Designer(s) company name, address, and telephone number
- \*Seal and signature of the engineer preparing plans, and the date the plans were signed by the engineer
- Leave a blank space (approval space) in the lower right hand corner at least 5" x 3" on each sheet
- Boundary lines with bearings and dimensions
- City limit line, when located in or near the site
- Street address (verified)
- Show the natural topography of the site and land located within 100 feet of the site, at two-foot elevation intervals with a maximum 100-foot horizontal interval distance between lines
- Existing and proposed streets, alleys and private drives adjacent to and within property including median cuts; existing, dedicated right-of-way should be indicated next to street name; proposed right-of-way and all pavement widths
- All existing and future dedicated easements
- Location of all existing and proposed electric utility facilities on the site and adjacent right-of-ways
- Exact locations and types of all utility lines, underground and overhead, existing and proposed
- Location of all proposed and existing structures to remain; indicate any demolition's by dashed footprint

\* Not required for small projects

**B. ADDITIONAL REQUIRED INFORMATION:**

- Boundary of all zoning districts on or near the site; all existing adjoining land uses
- Location of all buildings within 50 feet of site
- Finished floor elevations
- Show limits of construction, including access drives
- In tabular form, indicate the following information concerning the site within the City limits:
  - a) total area of site
  - b) total floor area ratio for each zoning district within the City limits
  - c) total impervious cover (in sq. ft.) for each zoning district within the City limits
  - d) percentage of site covered by impervious cover
  - e) total building coverage (in sq. ft. and %) for each zoning district within the site

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- Show dimensions to the nearest one-half foot of all existing and proposed buildings
- Show location of parking lots and vehicle use areas, landscape islands, peninsulas, and medians; amenities, walls, fences, sidewalks, and all other land improvements
- Label all roadways, drives, overpasses, bridges, culverts, and decorative/pervious pavers and identify as designed to support the loads imposed by heavy fire department apparatus
- The locations, types and limits of existing site improvements to be retained (structures, parking lots, planted areas, etc.)
- The location of 25-year and 100-year flood plains, storm sewers, and easements and centerline of existing watercourses, drainage features; note on the cover sheet if a 100-year flood plain exists on site
- If not on City sewer system, delineate drain field
- Location of all existing and proposed fire hydrants, including all existing public fire hydrants located within 500 feet of the property boundaries
- Existing or proposed garbage pickup location(s) if commercial dumpsters are proposed; indicate by a note if City garbage pickup is proposed
- In tabular form indicate the following information for each building:
  - a) proposed use and the square footage for each use within each structure on the site
  - b) number of stories
  - c) actual height (nearest one-half foot)
  - d) finished floor elevation(s)
  - e) foundation type
  - f) total square footage, for building and for each floor
  - g) type of restaurant (drive-in/fast food, limited, general), type of office (administrative and business, medical, professional), number of rooms for hotels or similar facilities, number of employees, and/or number of children for proposed school and day care services, if applicable
  - h) number of residential use types and sizes, if applicable
  - i) amenities, such as swimming pool, patios, etc.
- Distances between buildings, building setbacks and front street, side street, interior and rear yards; tie buildings to site in two different directions; show all structural connections between buildings such as overhead walkways, landings, or roof attachments
- Widths of all unobstructed access roadways with appropriate finished grades, widths, lengths, turnarounds and turning radii (T-section, hammerhead, cul-de-sac)
- All frontage roads, intersections, entrance/exit ramps, and driveways abutting and adjacent to subject property within 300 feet of side property lines (or indicate that there are none).

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- Texas Department of Transportation centerline stationing if driveway connection to a State highway is proposed.
- All driveway dimensions and design specifications; dimension driveway widths, driveway curb return radii, and profiles of finished grades; number on site plan when there are several proposed driveway approaches
- Proposed operation of driveways on site plan (i.e. one-way or two-way operation), identifying and labeling all physical barriers to vehicular access
- On undivided roadways, show existing driveways on opposite side of street within 120 feet of site driveways, or indicate in a note if there are none.
- Physical obstructions (utility poles, trees, storm sewer inlets, etc.) in right-of-way which could affect sidewalk/driveway locations.
- Dimensions of vertical clearance within fire lanes, including tree limbs, for all driveways and internal circulation areas on site, where overhead clearance is restricted
- All off-street parking; number of required and provided parking spaces including location, number and type (standard, compact, handicapped) of actual parking spaces; dimension parking stall depth and width, stall angle, aisle width, and width on internal driveways; number each parking space; show structural supports, turning radii; circulation, and ramp grades in parking garages; identify number and location of compact spaces
- Handicapped parking spaces meeting State standards
- Accessible route of travel connecting all accessible elements and spaces on the site that can be negotiated by a person using a wheelchair and is usable by persons with other disabilities (indicated by dotted lines, a shading pattern or other identifiable legend)
- Note on the plan indicating that each compact parking space must be identified by a sign stating "small car only" and signs posted on site directing motorists to such spaces
- Off-street loading spaces, if required
- Location and type of bicycle parking
- Queue spaces or queuing areas for drive-through uses
- Location and width of sidewalks on site plan
- The location and design of all pedestrian sidewalk ramps related to the construction of this site

**(2)(3)**—Development activities subject to the requirements of this section may be carried out only in substantial conformance with the approved master development plan and any conditions or restrictions attached thereto. Any deviation from the approved master development plan unless approved in advance and in writing by the director of development services, shall be deemed a violation of this chapter.

**26 (DENIED) ++++++**  
**(Ken Brown)**

**35-413 PUD Plan**

**“PAC – 3” DENIALS  
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\* \* \* \*

**(c) Plan Changes.**

Alterations to a PUD plan shall be classified as either substantial or non-substantial amendments. Nonsubstantial amendments may be approved by the director of planning. Substantial amendments shall be considered by the planning commission following the same procedure required for the initial approval of the plan, including payment of the plan review fee. The following criteria shall be used to identify a substantial amendment:

- ~~1) A change which would include a land use not previously permitted under the approved PUD zoning.~~
- ~~(2) A change which would alter the land use type adjacent to a PUD boundary.~~
- ~~(3) A change which would increase the overall density of the PUD by more than ten (10) percent. However, in no instance may the overall density of the PUD exceed that permitted by the base zoning district.~~
- ~~(4) A change which the director of planning determines would significantly alter the general character or overall design of the plan.~~
- (1) Any increase in the total number of residential units for the entire PUD.
- (2) Any increase in the total commercial acreage within the PUD.
- (3) Any increase in the total industrial acreage within the PUD.
- (4) Any increase in the cumulative traffic impacts of the entire PUD upon outlying transportation infrastructure.
- (5) Any increase in the total sewer capacity required for the PUD as measured in equivalent dwelling units.
- (6) Any increase in the total water capacity required for the PUD as measured in equivalent dwelling units.
- (7) Any decrease above 10% in the total open space acreage within the PUD.
- (8) Any decrease in perimeter buffers between the PUD and adjacent properties.
- (9) Any change in a proposed land use node from residential to an office, commercial, or light industrial use, if the property where the proposed change is to occur abuts existing property in which the Principal use is a Single-family Residence.
- (10) Any other revision to a PUD site plan not described in subsection (2), above, shall be deemed a non-substantial change.

**68 (DENIED) ++++++**  
**(GSBA & SA Real Estate Council)**

**35-523 Tree Preservation**

**(a) Applicability**

\* \* \* \*



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**(4) Trees Exempt.**

This division shall not apply to:

\* \* \* \*

F. Trees located within the playing field and a distance of 20 feet surrounding the athletic field of a public school. An athletic field for the purpose of this exemption shall apply to a practice field or game field for an organized sport such as baseball, football, soccer, lacrosse, etc but exclusive of open space designed for general play areas.

\* \* \* \*

**70 (DENIED) ++++++**  
**(SA Real Estate Council, (GSABA))**

**35-523 Tree Preservation**

**(d) Protected Tree Designations**

The significant or heritage tree designations establish a threshold trunk size, measured in diameter at breast height (“DBH”), for various tree species for purposes of applying the requirements of this ordinance. A significant or heritage tree is defined by DBH as set forth below. Significant trees of less than six (6) inches may be omitted from the tree survey and preserved or mitigated based on a numerical count. A significant multi-trunk tree shall have at least one single trunk with a DBH greater than 6 inches.

**(1) Significant Trees.**

A significant tree means a tree of six (6) inches or greater DBH for all tree species except for the following species where a significant tree means a tree with two (2) inches or greater DBH (Persimmon, Redbud, Mountain Laurel, Condalia, Possum Haw (in floodplain only), Crabapple (in floodplain only))

**(2) Heritage Trees.**

A Heritage tree means a tree of twenty-four (24) inches or greater DBH for all tree species except for the following species where a heritage tree means a tree with at least one trunk eight (8) twelve (12) inches or greater DBH (Persimmon, Redbud, Mountain Laurel, Condalia, Possum Haw (in floodplain only), crabapple (in floodplain only))

**(3) Non-Protected Trees**

A. The following trees are considered undesirable and are exempt from required preservation (Chinese Pistache, Chinaberry, Chinese Tallow, Tree of Heaven, Salt Cedar, Ashe Juniper (Cedar), Cottonwood, Sycamore, Persimmon, Mulberry, Hackberry, Mesquite, Huisache, Arizona Ash, Silver Maple, Condalia, Privet

B. Non-protected trees may not be used for mitigation to replace protected trees.

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C. Non-protected trees shall not count toward points required meet landscaping requirements.

**71 (DENIED) ++++++**  
**(SA Real Estate Council)**

**35-523 Tree Preservation**

**(e) Minimum Tree Preservation Requirements**

**(1) Generally.**

\* \* \* \*

<b>Table 523-1</b>		
	<b>Single-family Dwellings</b>	<b>Multi-family and Non-residential uses</b>
Significant Trees	35% within <del>each-platted lot</del> <u>the project area</u> , excluding street right of way and easements. Plus each builder on a <del>single family</del> <u>single-family</u> dwelling lot shall also be required to plant two, 2” caliper new trees, which trees shall generally be native, large canopy trees.	40% within the entire site excluding the street rights-of-way and easements.
Significant Trees under 6” DBH	35% within each planted lot, excluding the street right of way and easements or 35% of the number of total count of all such trees.	40% within the entire site, excluding street right of way and easements <u>whether created by subdivision plat or other recorded instrument</u> or 40% of the number of total count of all such trees.
Heritage Trees	100% within each platted lot	100% within the entire site.
100 year flood plain(s)	80% of all the trees within the flood plain, which shall not apply toward preservation requirements on the remainder of the lot.	<del>80% of the t</del> <u>T</u> rees within the flood plain, <del>which</del> shall not apply toward preservation requirements on the remainder of the site.
Mitigation Maximum	Up to <del>90</del> <u>100</u> % of Significant and Heritage trees may be mitigated rather than preserved.	Up to <del>90</del> <u>100</u> % of significant and Heritage trees may be mitigated rather than preserved.

**72 (DENIED) ++++++**  
**(Citizen Tree Coalition, Richard Alles)**

**35-523 Tree Preservation**

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**(e) Minimum Tree Preservation Requirements  
(1) Generally**

\* \* \* \*

<b>Table 523-2</b>		
	<b>Single-family Dwellings</b>	<b>Multi-family and Nonresidential uses</b>
Significant Trees	<del>35</del> 30% within the entire site each-platted lot, excluding street right of way and easements. Plus each builder on a <del>single family</del> single-family dwelling lot shall also be required to plant two, 2” caliper new trees, which trees shall generally be native, large canopy trees.	<del>40</del> 35% within the entire site excluding the street rights-of-way and easements.
Significant Trees under 6” DBH	<del>35</del> 30% within the entire site each-platted lot, excluding the street right of way and easements or <del>35%</del> 30% of the number of total count of all such trees.	<del>40</del> 35% within the entire site, excluding street right of way and easements or 40% of the number of total count of all such trees.
Heritage Trees	<del>100</del> 80% within each-platted lot the entire site	100% within the entire site.
100 year flood plain(s)	80% of all the trees within the flood plain, which shall not apply toward preservation requirements on the remainder of the lot.	80% of the trees within the flood plain, which shall not apply toward preservation requirements on the remainder of the site.
Mitigation Maximum	Up to 90% of Significant and Heritage trees may be mitigated rather than preserved.	Up to <del>90%</del> 75% of Significant and <del>50%</del> of Heritage trees may be mitigated rather than preserved.

**74 (DENIED) ++++++**  
**(SA Real Estate Council)**

**35-523 Tree Preservation**

**(e) Minimum Tree Preservation Requirements**

\* \* \* \*

**(3) Tree Stand Delineation Alternative.**

~~As an alternative to a tree survey, a tree stand delineation may be~~ A heritage tree survey shall not be required if the tree stand delineation option is used to meet the preservation requirements (see submittal requirements Section 35-B125). The amount of tree area(s) required to be preserved is twenty-five (25) percent.

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Within the tree save area, the existing understory must be included/preserved to meet the requirements of this elective option.

**75 (DENIED) ++++++**  
**(Citizen Tree Coalition, Richard Alles)**

**35-523 Tree Preservation**

**(e) Minimum Tree Preservation Requirements**

\* \* \* \*

**(3) Tree Stand Delineation Alternative.**

(i) As an alternative to a tree survey, a tree stand delineation may be used to meet the preservation requirements (see submittal requirements Section 35-B125). The tree canopy area(s) on the site must meet the criteria set forth in Appendix A, Woodland and contain native understory vegetation. The amount of ~~tree areaa(s)~~ woodland/tree canopy area(s) required to be preserved is twenty-five (25) percent. Within the woodland/ tree canopy save area, existing understory must be included/preserved to meet the requirements of this elective option. Woodland/ tree canopy save areas must be designated on all plats within the tree stand delineation area.

(ii) When a site has 100 acres or more of tree canopy, the applicant may use a statistical sampling method to estimate the diameter-inches of Heritage trees that will need to be mitigated. Mitigation shall be provided only by preserving additional woodland areas. Notwithstanding anything to the contrary, the City Arborist may disallow usage of statistical sampling on a project where it would yield inaccurate results.



**Random sampling requirements**

- Samples shall be taken by generating a grid covering the project area and measuring the diameter-inches of heritage trees within randomly selected cells.
- At least 10% of the tree canopy area on the tract shall be sampled.
- Grid cells shall be square
- Cell areas shall each be 1/100<sup>th</sup> of the tract area, except that the minimum cell area is 2 acres; e.g. a 1,000 acre tract will use ten 10-acre cells.
- Cells shall be selected randomly for sampling. The selection must be truly random and approved and supervised by the City Arborist. Only one selection is permitted.
- At least eighty percent (80%) of each cell that is sampled must be covered by tree canopy.
- If the grid does not contain enough cells with 80% tree canopy to enable sampling of 10% of the tract, the City Arborist may allow grid refinement sufficient to enable a 10% sample to be obtained or may disallow random sampling for the tract.
- In all cells where less than 20% of the cell is covered by tree canopy, 100% of the Heritage trees will be sampled. In addition, the canopy

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area of each Heritage tree shall be measured for use in subsequent calculations.

**Calculation of required mitigation diameter-inches**

Mitigation shall be calculated as follows:

1. Calculate the sum of diameter-inches of heritage trees from all the sampled cells.
2. To the result from step 1, add the diameter-inches of all heritage trees in non-tree canopy areas.
3. Calculate the sum of the tree canopy area in all of the sampled cells.
4. To the result from step 3, add the tree canopy area of all heritage trees in non-tree canopy areas.
5. Divide the result from step 2 by the result from step 4 to obtain the average diameter-inches of heritage trees per square foot.
6. Measure the area of tree canopy cover being removed.
7. Multiply the result from step 5 by the result from step 6 and multiply again by 3. This is the diameter-inches of required mitigation.

Mitigation shall be achieved by preserving additional tree canopy, with understory.

**Calculation of additional tree canopy**

The area of additional tree canopy is calculated as follows:

1. Determine which species of tree comprises the largest number of diameter-inches sampled.
2. From Appendix E, determine the height category for that species.
3. From table 523-2, determine the mitigation value for the corresponding height category.
4. Multiply the mitigation value by the diameter-inches of required mitigation. This is the area, in square feet, of additional tree canopy required for mitigation.

<b><u>Table 523-2</u></b>	
<b><u>Height category from Appendix E</u></b>	<b><u>Mitigation value (sq. ft./in.)</u></b>
<u>Small-medium</u>	<u>29.4</u>
<u>Medium</u>	<u>41.6</u>
<u>Medium large</u>	<u>52.4</u>
<u>Large &amp; Large+</u>	<u>61.4</u>

**Pro-rated calculation of additional tree canopy**

If another species, with a different height category, comprises at least 20% of the diameter-inches sampled and comprises the second largest number of diameter-inches sampled, the additional tree canopy area may be calculated as follows:

1. Add the diameter-inches of the predominant species and the secondary species.
2. Divide the diameter-inches of the predominant species by the result from step 1.
3. From Appendix E, determine the height category for the predominant species.
4. From table 523-2, determine the mitigation value for the corresponding height category.
5. Multiply the mitigation value by the diameter-inches of required mitigation.

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6. [Multiply the result from step 5 by the result from step 2.](#)
7. [Repeat steps 2 through 6 for the secondary species.](#)
8. [Add the results of steps 6 and 7. This is the pro-rated area, in square feet, of additional tree canopy required for mitigation.](#)

**Characteristics of mitigation areas**

[Areas preserved for mitigation shall include:](#)

- [sensitive slopes, and/or](#)
- [critical wildlife habitat, and/or](#)
- [buffer areas contiguous with the 100-year flood plain, and/or](#)
- [contiguous woodland that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site, and/or](#)
- [buffer areas between dissimilar land uses and parallel to arterial and collector streets.](#)

[The preserved tree canopy area\(s\) will be a minimum of 20,000 square feet with any dimension being not less than 35 feet.](#)

**76 (DENIED) ++++++**  
**(Citizen Tree Coalition, Richard Alles)**

**35-523 Tree Preservation**

**(i) Root Protection Zone**

**(1) Root Protection Zone.**

A root protection zone must be established around the trunk of each tree preserved or mitigation tree. For multi-family and non-residential construction the root protection zone shall be an area defined by ~~an average~~ radius extending outward from the trunk of the tree a distance of one (1) linear foot for each inch (DBH). A minimum of 50% of the root protection zone area shall be preserved at natural grade, with natural groundcover. [For single-family residential construction the root protection zone shall be an area defined by a radius extending outward from the trunk of the tree a distance of one-half \(½\) linear foot for each inch \(DBH\). For single-family residential construction, the entire root protection zone area shall be preserved at natural grade, with natural groundcover.](#) No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts shall occur closer to the trunk than one-half (1/2) the root protection zone radius [or three \(3\) feet, whichever is larger.](#) Filling shall be allowed to accomplish water conservation goals established by the city of San Antonio or by a public utility. Native understory vegetation within the root protection zone shall be preserved, however this requirement does not apply to root protection zone areas that have been landscaped using native, drought tolerant plants. The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half (1/2) the root protection zone radius. The construction of sidewalks shall be allowed in the root protection zone, as long as excavation does not exceed three (3) inches. The area contained within a root protection zone required under this subsection must be left in a pervious condition. ~~after construction and development are completed unless approved alternative construction methods are used. The arborist shall establish a written set of technical criteria on which such approval shall be based.~~ During construction activity on the site, at least six-inch layer of a coarse mulch shall be placed and

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maintained over the root protection zone. The impervious cover may encroach within the root protection zone if said encroachment is approved by the city arborist.

**(2) — ~~Warranty.~~**

~~In lieu of establishing root protection zone(s) as prescribed in Section 35-523 (i) or adhering to alternate construction methods as approved by the city Arborist, a developer or property owner may choose to provide a Tree Preservation Warranty for multi-family and non-residential construction only. In the event a developer or property owner chooses to provide a Tree Preservation Warranty as provided for herein the owner of the property must provide a tree preservation warranty to the city arborist, which shall obligate the then owner of the Property to replace any tree (or trees) reflected on the tree survey and which are the subject of the warranty. The term of the warranty shall be five (5) years from the date that a building permit is filed for building construction projects or five (5) five years from the date construction is commenced for infrastructure improvements related to development projects. Each tree that is covered by a tree preservation warranty must be identified on a tree survey prepared in accordance with Section 35-B123(c)(1) A and submitted with the tree preservation warranty. If any tree required to be preserved and which is the subject of a tree preservation warranty shall die during the term of the tree preservation warranty, the tree shall be replaced in accordance with the mitigation provisions of Subsection 35-523(f). All replacement trees shall be planted in accordance with the standards set forth in section 35-523(l). The city may require such owner to replace a tree (or trees) that has died at any time during the term of the tree preservation warranty, and, if such owner fails to replace the tree within 90 days of the city's written request to replace same, the city at its sole option may refuse to issue any new building permits, accept any development application, or accept any infrastructure improvements from such owner. Nothing in this subsection shall exclude any and all remedies otherwise provided by law.~~

~~The tree preservation warranty shall be filed in the records of the development services department of the city.~~

~~The seller of property subject to a tree preservation warranty shall provide a copy of the warranty and attached tree survey to prospective buyers.~~

**77 (DENIED) ++++++**  
**(GSABA)**

**35-523 Tree Preservation**

**(I) General Planting Standards**

- (1) Mitigation or replacement trees required by this section must have a minimum caliper of two and one-half (2 1/2) inches measured six (6) inches above grade at the time of installation and, shall be planted in a pervious area of at least one hundred and sixty-two (162) square feet per tree. Builders planting two trees complying with the foregoing on a single-family platted lot will be exempt from application of the provisions of 35-523 on said lot.

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**78 (DENIED) ++++++**  
**(Citizen Tree Coalition, Richard Alles)**

**35-523 Tree Preservation**

\* \* \* \*

**(p) Reforestation on Cleared Land**

Where more than 25% of existing tree canopy was removed from a development site within the ten year period prior to the first application for a permit pursuant to section 35-523, the applicant shall either:

- A. protect and maintain existing trees with understory vegetation such that 35% tree canopy cover, measured relative to the gross area of the tract, remains on the completed tract, or
- B. establish and maintain new trees, such that 35% tree canopy cover, measured relative to the gross area of the tract, will exist on the tract within 10 years. Shade areas from Appendix E will be used to calculate tree canopy cover. New, native, xeric understory trees, shrubs, grasses, and forbs shall be planted in a 400 square foot area around each new tree, or
- C. any combination of A and B above, such that 35% tree canopy cover, measured relative to the gross area of the tract, will exist on the tract within 10 years

**82 (DENIED) ++++++**  
**(Richard Alles)**

**35-711 Recognition of Rights Derived From Common Law**

**(b) Criteria**

**(1) Common Law Vested Rights**

\* \* \* \*

~~The applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights.~~

- ~~A. In reliance upon properly issued permits or approvals the applicant made substantial financial expenditures or assumed substantial financial obligations within the purview of the activities authorized by said permit or approval; and~~
- ~~B. The applicant has proceeded in good faith, and no approvals or permits have lapsed or been revoked; and~~
- ~~C. The applicant has established any other factor that may establish vested rights under state or federal law.~~



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**83 (DENIED) ++++++**  
**(Richard Alles)**

**35-712 Recognition of Rights Derived From Texas Local Government Code Chapter 245**

**(a) Purpose**

(1) For purposes of this Chapter, a project is a specific development or property improvement endeavor undertaken by a property owner on a specific tract of land and documented in one or more fair notice or permit applications filed by or on behalf of the owner. Once a permit or approval has expired, the project has terminated. Once construction has begun and been completed, approvals or permits for new construction on the same property are not considered part of the same project unless expressly contemplated and documented in the original fair notice or permit application. A new project is initiated by an application that seeks any change in use or zoning district, but these are not the only types of changes that characterize a new project. A new project is not initiated by minor modifications in the original plan or by alterations specifically required by the City or that are occasioned merely by attempts to increase parkland or by dedication of property to public use.

**(b) Recognition of Statutory Rights**

\* \* \* \*

**(3) Basis for Permit Rights**

**A. MDP/POADP**

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Rights under Chapter 245 of the Texas Local Government Code Permit rights will be recognized on the project property which is the subject of a MDP/POADP that has been approved by the city provided that Fair Notice is provided with the MDP/POADP application in accordance with this chapter planning department.

~~The permit rights recognized for projects property located within with an approved MDP/POADP will expire unless a final plat is approved within two (2) years eighteen (18) months from the approval of the MDP/POADP that plats, at least eight (8) percent of the net area of the POADP area or an expenditure of at least five hundred thousand dollars (\$500,000.00) in project expenses has been made if the master development plan is one thousand (1,000) acres or less or an expenditure of at least one million dollars (\$1,000,000.00) has been made if the master development is more than one thousand (1,000) acres that requires at least five hundred thousand dollars (\$500,000.00) in infrastructure expenses if the POADP is one thousand (1,000) acres or less or at least one million dollars (\$1,000,000.00) if the POADP is more than one thousand (1,000) acres.~~

~~Further, the permit rights for projects property within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the MDP/POADP has been platted or developed unless Unless specific provisions to the contrary exist in an individual ordinance or city code provision, the filing of a minor amendment to a an-amending MDP/POADP, a plat or replat will not result in a loss of permit rights to the entire MDP/POADP, provided that the required area of acreage within the MDP/POADP platted or value of project infrastructure expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an MDP/POADP will cause rights for that area to terminate.~~

The rights recognized for projects located within an approved MDP/POADP will not expire if the following criteria are met. In any other case, the rights will expire. In all cases, the rights recognized for projects located within an approved MDP/POADP expire twenty (20) years after the date of approval.

- ii. Less than twenty-four (24) months have elapsed from the date of approval of the MDP and final plat(s) and detailed site plan(s) covering at least twenty (20) percent of the gross area of the Master Development Plan have been approved, or
- iii. Less than three (3) years have elapsed from the approval date of the MDP, and
  - 1. final plat(s) and detailed site plan(s), covering at least thirty (30) percent of the gross area of the Master Development Plan have been approved, and
  - 2. for every tract/unit platted pursuant to i. above:
    - a. there exists a valid building permit, or
    - b. less than one year has elapsed since a valid building permit existed, or
    - c. the project for the tract/unit is complete.
- iv. Less than seven (7) years have elapsed from the approval date of the MDP, and

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1. final plat(s) and detailed site plan(s), covering at least fifty (50) percent of the gross area of the Master Development Plan have been approved, and
2. for every tract/unit platted pursuant to i. and ii. above:
  - a. there exists a valid building permit, or
  - b. less than one year has elapsed since a valid building permit existed, or
  - c. the project for the tract/unit is complete.
- v. Less than fifteen (15) years have elapsed from the approval date of the MDP, and
  1. final plat(s) and detailed site plan(s) covering the entire MDP have been approved
  2. or every tract/unit platted pursuant to i, ii, and iii above:
    - a. there exists a valid building permit, or
    - b. less than one year has elapsed since a valid building permit existed, or
    - c. the project for the tract/unit is complete.
    - d. for purposes of this section, a site plan shall contain the information set forth in section 35-716(b).

**C. Plats**

Rights under Chapter 245 of the Texas Local Government Code will be recognized for projects associated with the property which is the subject of a plat that has been approved by the city planning commission or director of development services provided that Fair Notice is provided with the plat application in accordance with this chapter. The rights recognized for a project located within an approved plat will expire unless the plat is recorded in the Bexar County Deed Records within three (3) years from the date of approval by the city planning commission or director of development services. In addition, the rights recognized for a project located within an approved plat will expire unless a complete site plan, containing the information set forth in section 35-716(b), is filed within three (3) years from the date of approval by the city planning commission or director of development services. In all cases, the rights associated with an approved plat will expire after five (5) years.

~~(d) — Rights Recognition Process Appeal~~

Strike entire section

~~(e) — Variance~~

Strike entire section

~~(f) — Variance Appeal~~

Strike entire section.

(g) **Exemption from Rights**

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~~The types of ordinances enumerated in the Texas VTCA Local Government Code § 245.004 are exempt from this section and will apply to a project or development regardless of the effective date of the ordinance or the existence of vested rights for the project.~~

- ~~(1) Future ordinances: Any ordinance that: concerns the development of real property and is adopted after the adoption of this chapter, which incorporates these sections this section into the city code of ordinances, may specifically state whether it is the type of ordinance that is exempted by § 245.004. However, the absence of such a statement shall not be determinative as to whether the ordinance is or is not exempted.~~
- ~~(2) Existing ordinances: This section shall not be applicable to any ordinance that: concerns the development of real property; as adopted prior to the adoption of this chapter and is exempted by § 245.004 from the protection provided by Chapter 245.~~
- ~~(3) Determination by city attorney: Should a question arise as to whether an ordinance is exempted from Chapter 245, the director of development services shall request an opinion from the office of the city attorney.~~

Any regulation that is exempt from the grandfathering provisions of Chapter 245 as amended from time to time, whether pursuant to applicable law existing on the effective date of this amendment or hereinafter adopted, shall be applied to any pending application.

**84 (DENIED) ++++++**  
**(Richard Alles)**

**~~35-713 Recognition of Rights by Consent Agreement~~**  
**~~Delete entire section.~~**

**86 (DENIED) ++++++**  
**(Richard Alles)**

**35-715 Modification to Project or Permit**

For purposes of this section, a project is a specific development or property improvement endeavor undertaken by a property owner on a specific tract of land and documented in one or more fair notice or permit applications filed by or on behalf of the owner. Once a permit or approval has expired, the project has terminated. Once construction has begun and been completed, approvals or permits for new construction on the same property are not considered part of the same project unless expressly contemplated and documented in the original fair notice or permit application. A new project is initiated by an application that seeks any change in use or zoning district, but these are not the only types of changes that characterize a new project. A new project is not initiated by minor modifications in the original plan or by alterations specifically required by the City or that are occasioned merely by attempts to increase parkland or by dedication of property to public use.

**(b) Amendment to a single-phase project**

- ~~(3) A reduction in the square footage for the proposed building footprint or number of buildings provided the use and overall geographic land use remains the same.~~

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- (4) ~~A decrease in the overall proposed impervious cover.~~
- (13) an increase in parkland having the characteristics set forth in 35-503(c) and 35-503(b)(2-5). However, such parkland must be located on-site and cannot be used as credit for a dedication required by another subdivision or project.

~~**(e) Project change for a single phase project**~~

~~One change to a project is allowed within five years of filing the initial application and Fair Notice Form. The change shall be made the first time that progress towards completion of that project occurs provided that such change does not increase the total impervious cover and the change does not increase the total square feet in the footprint of the original project.~~

**35-716 Completion of a project or permit**

For purposes of this section, a project is a specific development or property improvement endeavor undertaken by a property owner on a specific tract of land and documented in one or more fair notice or permit applications filed by or on behalf of the owner. Once a permit or approval has expired, the project has terminated. Once construction has begun and been completed, approvals or permits for new construction on the same property are not considered part of the same project unless expressly contemplated and documented in the original fair notice or permit application. A new project is initiated by an application that seeks any change in use or zoning district, but these are not the only types of changes that characterize a new project. A new project is not initiated by minor modifications in the original plan or by alterations specifically required by the City or that are occasioned merely by attempts to increase parkland or by dedication of property to public use.

**(a) Project completion**

- ~~(1) A multi-phase project as defined in section 35-412 shall expire unless a final plat is approved within two (2) years from the approval of the master development plan that plats at least twenty (20) acres or eight (8) percent of the net developable area or an expenditure of at least five hundred thousand dollars (\$500,000.00) in project expenses has been made if the master development plan is one thousand (1,000) acres or less or an expenditure of at least one million dollars (\$1,000,000.00) has been made if the master development is more than one thousand (1,000) acres.~~
- ~~(2) Further, an approved master development plan shall expire unless fifty (50) percent of the net developable area within the approved master development plan is the subject of a final plat or development within ten (10) years from the date of approval of the master development plan. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net developable area within the master development plan has been platted or developed. Unless specific provisions to the contrary exist in an individual ordinance plan (see sec.35-412(g) (2)), plat, or replat will not result in a loss of rights an abandonment of the original master development plan provided that the required area of acreage within the master development plan platted or value of infrastructure expenses do not fall below the amount indicated above as a result of the amendment or replat.~~

A multi-phase project as defined in section 35-412 is not complete or expired (except as noted below), if the following criteria are met. Otherwise, the project is complete or

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expired. In all cases, a multi-phase project is complete and expires twenty (20) years after it is approved.

- vi. Less than twenty-four (24) months have elapsed from the date of approval of the MDP and final plat(s) and detailed site plan(s) covering at least twenty (20) percent of the gross area of the Master Development Plan have been approved, or
- vii. Less than three (3) years have elapsed from the approval date of the MDP, and
  - 1. final plat(s) and detailed site plan(s), covering at least thirty (30) percent of the gross area of the Master Development Plan have been approved, and
  - 2. For every tract/unit platted pursuant to i. above:
    - a. there exists a valid building permit, or
    - b. less than one year has elapsed since a valid building permit existed, or
    - c. the project for the tract/unit is complete.
- viii. Less than seven (7) years have elapsed from the approval date of the MDP, and
  - 1. final plat(s) and detailed site plan(s), covering at least fifty (50) percent of the gross area of the Master Development Plan have been approved, and
  - 2. For every tract/unit platted pursuant to i. and ii. above:
    - a. there exists a valid building permit, or
    - b. less than one year has elapsed since a valid building permit existed, or
    - c. the project for the tract/unit is complete.
- ix. Less than fifteen (15) years have elapsed from the approval date of the MDP, and
  - 1. final plat(s) and detailed site plan(s) covering the entire MDP have been approved
  - 2. for every tract/unit platted pursuant to i, ii, and iii. above:
    - a. there exists a valid building permit, or
    - b. less than one year has elapsed since a valid building permit existed, or
    - c. the project for the tract/unit is complete.

**(b) Site plan requirements**

A site plan submitted pursuant to section 35-716(a) shall contain the following information:

**A. BASE INFORMATION**

The following information shall be included on each 24"x 36" sheet:

- Project title
- North arrow
- Engineering scale shall be 1"=10', 1"=20', 1"=30', or 1"=40'; if the project is too large, 1"=50', with detail at 1"=20'
- Designer(s) company name, address, and telephone number
- \* Seal and signature of the engineer preparing plans, and the date the plans were signed by the engineer
- Leave a blank space (approval space) in the lower right hand corner at least 5" x 3" on each sheet
- Boundary lines with bearings and dimensions



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- City limit line, when located in or near the site
- Street address (verified)
- Show the natural topography of the site and land located within 100 feet of the site, at two-foot elevation intervals with a maximum 100-foot horizontal interval distance between lines
- Existing and proposed streets, alleys and private drives adjacent to and within property including median cuts; existing, dedicated right-of-way should be indicated next to street name; proposed right-of-way and all pavement widths
- All existing and future dedicated easements
- Location of all existing and proposed electric utility facilities on the site and adjacent right-of-ways
- Exact locations and types of all utility lines, underground and overhead, existing and proposed
- Location of all proposed and existing structures to remain; indicate any demolition's by dashed footprint

\* Not required for small projects

**B. ADDITIONAL REQUIRED INFORMATION:**

- Boundary of all zoning districts on or near the site; all existing adjoining land uses
- Location of all buildings within 50 feet of site
- Finished floor elevations
- Show limits of construction, including access drives
- In tabular form, indicate the following information concerning the site within the City limits:
  - f) total area of site
  - g) total floor area ratio for each zoning district within the City limits
  - h) total impervious cover (in sq. ft.) for each zoning district within the City limits
  - i) percentage of site covered by impervious cover
  - j) total building coverage (in sq. ft. and %) for each zoning district within the site
- Show dimensions to the nearest one-half foot of all existing and proposed buildings
- Show location of parking lots and vehicle use areas, landscape islands, peninsulas, and medians; amenities, walls, fences, sidewalks, and all other land improvements
- Label all roadways, drives, overpasses, bridges, culverts, and decorative/pervious pavers and identify as designed to support the loads imposed by heavy fire department apparatus
- The locations, types and limits of existing site improvements to be retained (structures, parking lots, planted areas, etc.)
- The location of 25-year and 100-year flood plains, storm sewers, and easements and centerline of existing watercourses, drainage features; note on the cover sheet if a 100-year flood plain exists on site
- If not on City sewer system, delineate drain field
- Location of all existing and proposed fire hydrants, including all existing public fire hydrants located within 500 feet of the property boundaries

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- Existing or proposed garbage pickup location(s) if commercial dumpsters are proposed; indicate by a note if City garbage pickup is proposed
- In tabular form indicate the following information for each building:
  - j) proposed use and the square footage for each use within each structure on the site
  - k) number of stories
  - l) actual height (nearest one-half foot)
  - m) finished floor elevation(s)
  - n) foundation type
  - o) total square footage, for building and for each floor
  - p) type of restaurant (drive-in/fast food, limited, general), type of office (administrative and business, medical, professional), number of rooms for hotels or similar facilities, number of employees, and/or number of children for proposed school and day care services, if applicable
  - q) number of residential use types and sizes, if applicable
  - r) amenities, such as swimming pool, patios, etc.
- Distances between buildings, building setbacks and front street, side street, interior and rear yards; tie buildings to site in two different directions; show all structural connections between buildings such as overhead walkways, landings, or roof attachments
- Widths of all unobstructed access roadways with appropriate finished grades, widths, lengths, turnarounds and turning radii (T-section, hammerhead, cul-de-sac)
- All frontage roads, intersections, entrance/exit ramps, and driveways abutting and adjacent to subject property within 300 feet of side property lines (or indicate that there are none).
- Texas Department of Transportation centerline stationing if driveway connection to a State highway is proposed.
- All driveway dimensions and design specifications; dimension driveway widths, driveway curb return radii, and profiles of finished grades; number on site plan when there are several proposed driveway approaches
- Proposed operation of driveways on site plan (i.e. one-way or two-way operation), identifying and labeling all physical barriers to vehicular access
- On undivided roadways, show existing driveways on opposite side of street within 120 feet of site driveways, or indicate in a note if there are none.
- Physical obstructions (utility poles, trees, storm sewer inlets, etc.) in right-of-way which could affect sidewalk/driveway locations.
- Dimensions of vertical clearance within fire lanes, including tree limbs, for all driveways and internal circulation areas on site, where overhead clearance is restricted
- All off-street parking; number of required and provided parking spaces including location, number and type (standard, compact, handicapped) of actual parking spaces; dimension parking stall depth and width, stall angle, aisle width, and width on internal driveways; number each parking space; show structural supports, turning radii; circulation, and ramp grades in parking garages; identify number and location of compact spaces
- Handicapped parking spaces meeting State standards
- Accessible route of travel connecting all accessible elements and spaces on the site that can be negotiated by a person using a wheelchair and is usable by persons with other disabilities (indicated by dotted lines, a shading pattern or other identifiable legend)



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- [Note on the plan indicating that each compact parking space must be identified by a sign stating "small car only" and signs posted on site directing motorists to such spaces](#)
- [Off-street loading spaces, if required](#)
- [Location and type of bicycle parking](#)
- [Queue spaces or queuing areas for drive-through uses](#)
- [Location and width of sidewalks on site plan](#)
- [The location and design of all pedestrian sidewalk ramps related to the construction of this site](#)

**87 (DENIED) ++++++**  
**(Richard Alles)**

**35-717 Progress towards completion of a project**

**(b) Progress towards completion of a project**

~~For the purposes of this section, progress towards completion of a project shall include any one of the following actions after the initial application for the project has been filed:~~

- ~~(1) An application for a final plat or plan is submitted to a regulatory agency;~~
- ~~(2) A good-faith attempt is made attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;~~
- ~~(3) Costs have been incurred for developing the project including, without limitation, cost associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;~~
- ~~(4) Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or~~
- ~~(5) Utility connection fees or impact fees for the project have been paid to a regulatory agency.~~

[For purposes of this section, progress toward completion of a project as delineated in Texas Local Government Code Chapter 245.005\(c\) will be used.](#)

**107 (DENIED) ++++++**  
**(Citizen Tree Coalition, Richard Alles)**

**35-F104 Statement of purpose.**

The purpose of this division is to promote land use controls necessary to qualify the city for flood insurance under requirements of the National Flood Insurance Act of 1968 with provisions designed:

- (1) To protect human life and property exposed to the hazards of flooding;

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- (2) To avoid increasing flood levels or flood hazards or creating new flood hazards areas;
- (3) To minimize public and private property losses due to flooding;
- (4) To preserve the natural floodplains where at all possible;
- (5) To ensure that potential property owners are notified if property is in a special flood hazard area;
- (6) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (7) To minimize prolonged business interruptions;
- (8) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
- (9) To minimize expenditure of future public money for costly flood control projects; and
- (10) [To preserve the natural vegetation and ecological function of floodplains and improve or maintain water quality in streams, creeks, and rivers.](#)
- ~~(11) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.~~

**Section A - Allowable Development Within the Regulatory Floodplain**

(f) The following development may be allowed in the regulatory 100-year floodplain and will require a Floodplain Development Permit:

- (1) All weather (passes the ultimate development 100-year flood) street crossings.
- (2) Utility Construction [for stormwater or wastewater conveyance only.](#)
- (3) Parks.
- (4) Greenways.
- (5) ~~Recreational Facilities and Golf Courses.~~
- (6) Hike and bike trails.
- (7) Drainage improvements that mitigate existing or anticipated flood hazards [where it is determined that no other viable alternative exists.](#)
- (8) Capital Improvement Projects.
- (9) Maintenance activities necessary to maintain the storm water conveyance of the floodplain.
- (10) Drainage infrastructure repair.
- (11) Floodplain restoration.
- (12) Wetland reestablishment or mitigation.
- (13) Habitat reestablishment.
- (14) Installation of Flood Monitoring Controls – rain gages, early flood warning systems, high water detection systems, etc.
- (15) Installations of emergency devices necessary to warn, alarm and protect citizens at flood hazards.
- (16) Improvements to a structure that does not fall under the definition of Substantial Improvement.
- (17) ~~Elevating and / or floodproofing structures in the floodplain.~~
- (18) ~~100-year floodplain reclamation where the watershed drainage area is less than 320 acres.~~
- (19) ~~Parking lot construction where water depths do not exceed 6".~~
- (20) ~~100-year floodplain reclamation in areas of ineffective flow.~~
- (21) ~~100-year floodplain reclamation in overbank areas subject to extensive shallow (0' - 3') flooding where flood velocities in the overbank area are less than 3 fps.~~

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- (22) Historic structure reconstruction, rehabilitation or restoration.
- (23) Development in the Low Risk Flood Area subject to the requirements of Section 35-505(q).
- (24) ~~Reclamation between the 100-year floodplain and the regulatory 100-year floodplain. Elevate development one foot (1') above the water surface elevations established for the regulatory 100-year floodplain.~~
- (25) Projects that are in the best interest of the public.
- (26) ~~Non-residential construction. Some or all of the following restrictions will be placed on non-residential construction in the floodplain:~~

~~Demonstrate that no alternate site is available for development within the property that is out of the floodplain.~~

~~Meet all the requirements of Sec. 35-505(n)(2) Nonresidential Construction.~~

~~Ensure the lowest finished floor elevation and/or the height to which the building must be floodproofed is no lower than the higher elevation of the energy grade line or the water surface elevation plus one foot (1') of the regulatory 100-year floodplain.~~

~~No increase in water surface elevations over ultimate conditions is permitted anywhere within the watershed as a result of the construction. An increase in water surface elevation is permitted on the developer's property if the floodplain is contained in a dedicated drainage easement or right of way.~~

~~Unflooded vehicular access must be available to the development from a public street.~~

~~Demonstrate that the development will not increase the 100-year floodplain predevelopment velocities above 6 fps. No increase in velocity will be permitted if predevelopment velocities exceed 6 fps.~~

~~Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants.~~

~~Provide, operate and maintain an early flood warning system for the development. Warning Systems will be subject to periodic inspection by the City of San Antonio to ensure they are maintained and operated as intended.~~

~~Complete the Letter of Map Revision process for the development.~~

~~The owner shall indemnify the City of San Antonio against damages resulting from flooding on the owner's site.~~

~~Other site specific restrictions and / or requirements deemed appropriate by the Floodplain Administrator.~~

- (27) ~~Construction in areas of Flood Inundation must meet the requirements of Sec. 35-F-141 General Standards. Structures associated with park and recreation development (fences, open construction type bleachers, concession stands etc.) may be are not permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris impact.~~

**Section B - Prohibited Development within the Regulatory Floodplain**

- (a) The following development will not be allowed in the regulatory floodplain.
  - 1) Development without first obtaining a Floodplain Development Permit.
  - 2) Habitable structures.
  - 3) Street or access construction that does not provide all weather access.

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- 4) Activity prohibited by Chapter 34, Article VI of the City Code “Aquifer Recharge Zone and Watershed Protection”.
- 5) 100-year floodplain reclamation where the watershed drainage area exceeds 100-acres except as provided in Section A.
- 6) Structures other than vehicle or pedestrian bridges.
- 7) Streets other than those crossing at approximately a right angle to the centerline of the watercourse.
- 8) Parking areas.

**35-F141. General standards**

(a) In all areas of special flood hazards the following provisions are required;

- (1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy (see U .S. Corps of Engineers Flood Proofing Regulations, Chapter 6, Section 610).
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 5 and Chapter 6).
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 12 and Chapter 13).
- ~~(4) All new and replacement toilet, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations shall be installed at or above the base flood elevation or floodproofed.~~
- (5) All ~~new and~~ replacement water supply systems shall be designed to San Antonio Water System standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.
- (6) New and replacement sanitary sewage systems shall be designed to city sanitary sewer standards to minimize or eliminate infiltration of ~~flood waters~~floodwaters into the system and discharges from the systems into ~~flood water~~floodwater.
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Waste disposal systems shall be located above the base ~~flood water~~floodwater surface elevation.
- ~~(8) Filling or the disposal of any materials is prohibited, which will diminish the water flow capacity of any waterway or floodplain defined by this ordinance must be compensated for with remedial action by additional excavation or otherwise so as not to diminish water capacity.~~
- (9) Floodplain engineering and procedures requirements within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Exhibit D.

**35-F142 Specific standards**

In all areas of special flood hazards where base flood elevation data has been provided in accordance with these regulations, the following provisions are required:

- (a) Residential construction. Construction of habitable structures within the regulatory floodplain (base flood) is not allowed ~~unless the floodplain is revised with a floodplain permit. Residential construction must be elevated one foot (1') above the regulatory floodplain.~~

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**(b) Nonresidential construction.**

- ~~1. New construction or substantial improvements of any commercial, industrial or other nonresidential structure is not allowed. shall have either (a) the lowest floor, including basement, elevated to one foot (1') above the level of base flood elevation, or (b) have the lowest floor, including basement, with attendant utility and sanitary facilities, be floodproofed so that below the base flood level plus one foot (1') and above the lowest floor, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.~~
- ~~2. New construction and substantial improvements, with fully enclosed areas below the lowest floor (including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.~~
- ~~3. Electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
- ~~4. A registered professional engineer or registered architect shall submit a certification to the director of public works that the standards of this subsection are satisfied. The certification shall include a statement to the effect that the engineer has developed and/or reviewed structural design, specifications, and plans for the construction and finds them to be in accordance with this subsection. The director of public works shall utilize the flood proofing regulations manual prepared by the United States Army Corps of Engineers as a guide in determining construction requirements.~~

**(c) Manufactured homes.**

- ~~(1) Manufactured homes are not allowed within the 100-year floodplain. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to the following (refer to FEMA Manual #85, Manufactured Home Installation in Flood Hazard Areas):~~
  - ~~A. Over the top ties at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long require one (1) additional tie per side.~~
  - ~~B. Frame ties at each corner of the home with five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require four (4) additional ties per side.~~
  - ~~C. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;~~
  - ~~D. Any additions to the manufactured home shall be similarly anchored.~~

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~~(2) All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE shall conform to the following criteria:~~

- ~~A. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one (1) foot above the base flood level. A registered professional civil engineer, registered architect, or registered public surveyor shall submit a certification to the director of public works that the standard of this paragraph complies with subsection (a).~~
- ~~B. Adequate surface drainage and access for a hauler are provided.~~
- ~~C. In the instance of elevation of pilings: (i) lots are large enough to permit steps, (ii) piling foundations are placed in stable soil no more than ten (10) feet apart, and (iii) reinforcement is provided for pilings more than six (6) feet above the ground level.~~

**(d) Floodways.** Located within the areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of ~~flood waters~~floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- ~~1. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.~~
- ~~2. If subparagraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.~~
- ~~3. The placement of any manufactured home is prohibited except in an existing manufactured home park or subdivision.~~

**35-F143 Areas of shallow flooding (AO Zones).**

**(a)** Located within the areas of special flood hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, in these areas the following provisions shall apply:

- ~~(1) All new construction and substantial improvements of residential structures are prohibited, shall have the lowest floor elevated one (1) foot above the highest adjacent grade or one (1) foot above the depth number specified on the community's FIRM (at least two (2) feet if no depth number is specified), which ever is higher controls.~~
- ~~(2) All new construction and substantial improvements of nonresidential structures shall:~~
  - ~~a. Have the lowest floor elevated above the highest adjacent grade as high as the depth number specified on the community's FIRM, (at least two (2) feet if no depth number is specified).~~
  - ~~b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

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- c. A registered professional civil engineer, registered public surveyor, or registered architect shall submit a certification to the director of public works that the standards of this section are satisfied.
- d. ~~Require within Zones AH and AO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.~~